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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,668	08/25/2003	Fujio Akahane	Q77134	2143

65565 7590 04/18/2007  
SUGHRUE-265550  
2100 PENNSYLVANIA AVE. NW  
WASHINGTON, DC 20037-3213

EXAMINER
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CRANE, DANIEL C

ART UNIT	PAPER NUMBER
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3725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/647,668

Applicant(s)

AKAHANE ET AL.

Examiner

Daniel C. Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-34 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10, 13, 19-27 and 30-34 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11, 12, 14-16, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## REJECTION OF CLAIMS OVER PRIOR ART

Claims 1-4, 6-9, 14-16, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Widell (2,825,407). See Figure 7-9 where the guide member 70, 74, 76 establishes the “projections” since they *project* from the spacers 80. These “projections” 70, 74 and 76 are provided with apertures 72 that facilitate guiding of the punches 116. Further, these “projections” are arranged vertically on the punches with a “gap” continuing between a first side face that is a side face of one of the punches to a second side face that is a side face of the other of the adjacent punches in both vertical and horizontal directions. Accordingly, the features where a “gap continuing from a first side face that is a side face of one of the adjacent punches to a second side face that is a side face of the other of the adjacent punches” is met by Widell when read with the “gap” being between, for example, projection 76 and projection 74. Furthermore, the “gap” also extends in a first direction in that the gap encompasses the space between the sides of adjacent punches in the area between projections 74 and 76 or between projections 70 and 74. As to claim 8, the finished product, i.e., “guide face and the projections”, is shown by Widell. In this regard, how the guide face and projections are manufactured, for example, by “grinding”, does not further specify the construction of the parts if the product is shown by the prior art. How the plate material is manufactured (grinding or plastic working) does not effect the construction of the punching apparatus.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widell (2,825,407). The specific size is considered well within the purview of the skilled artisan having the benefit of Widell’s punching device, such sizing being dependent upon the desired size of the

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punched product. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Widell's device to size the punches ("0.3 mm or less" or "0.2 mm or less" or ratio of "0.5 or more") to any size desired based upon needed product sizes.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 10, 13, 19-27 and 30-34 are allowed.

#### **WITHDRAWAL OF NONELECTED CLAIMS**

Claims 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on May 17, 2005.

#### **RESPONSE TO APPLICANT'S COMMENTS**

Applicant's comments relating to the Widell reference have been carefully considered. Again, it is reiterated that the examiner has given the claims a broad interpretation in accordance with Office practice.

Applicant has misinterpreted the examiner's reading of the claims on Widell. It was not the examiner's intention that elements 70, 74 and 76 be "punches". The punches are shown at 116 in Widell in Figures 7-9 with the punches 116 spaced in a side-by-side arrangement in a first direction with a fixed pitch. See Figure 9 where the punches 116 are arranged in this manner. The guide 70, 74 and 76 establishes "projections" which extend into the spacing or gap between the punches 116. The limitation that the gap is "continuing from a first side face that is a side

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face of one of the adjacent punches to a second side face that is a side face of the other of the adjacent punches in the first direction” is also met by Widell. Clearly, there is a gap between adjacent punches that “continues” between adjacent punches “in the first direction” in the area between adjacent projections 70 and 74 or between adjacent projections 74 and 76. This continuing gap extends both vertically and horizontally within the gap between adjacent punches 116 and between adjacent projections. There is no nexus in the claims of the location of the projections relative to what constitutes the continuing gap. The claims fail to define what constitutes the “continuing gap” and its orientation relative to the projections. Accordingly, the claims do not define over Widell.

The examiner’s position is maintained relative to the rejection of claims 11-13 over Widell. Again, these are dimensional limitations that do not impact the overall apparatus other than to be sizing parameters that affect the size of the workpiece. As noted above, it is the examiner’s position that these sizing features would have been obvious in Widell’s teaching so as to produce a product of specific size construction.

## **FINAL OFFICE ACTION**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

## **INQUIRIES**

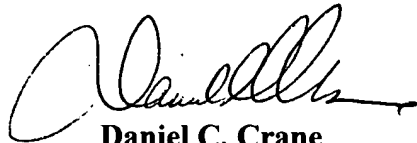
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 7:00AM-3:30PM, Monday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number **(571)-273-8300**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCCrane  
April 13, 2007

A handwritten signature in black ink, appearing to read 'Daniel C. Crane', with a stylized, flowing script.

**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725